

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

W.A.O., H.H.M.C., N.L.J., and
K.M.R.L., on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

KENNETH T. CUCCINELLI II,
Acting Director, U.S. Citizenship
and Immigration Services; KEVIN
McALEENAN, Acting Secretary,
U.S. Department of Homeland
Security; ROBERT COWAN,
Director, National Benefits Center,
U.S. Citizenship and Immigration
Services; UNITED STATES
DEPARTMENT OF HOMELAND
SECURITY; and UNITED STATES
CITIZENSHIP AND
IMMIGRATION SERVICES,

Defendants.

Civil Action No.
2:19-cv-11696 (MCA)(MAH)

JOINT STATUS REPORT

As signaled in the joint status report of June 26, 2020 (ECF No. 78), the Parties submit this further joint status report. In its May 27th Order (ECF No. 77), the Court instructed the Parties to continue to try to resolve their disputes about the production of the files of 14 potential class members whose petitions for Special Immigrant Juvenile (SIJ) classification had been withdrawn or denied (the 14 Petitioners). The Parties here report on the outcome of their negotiations, as well as on the status of the 18 petitions as to which decisions were tolled under the Court's order of February 20, 2020 (ECF No. 56).

For ease of reference, the Parties include each relevant issue below and provide the progress related thereto. The Parties are in agreement on each topic below.

1. Review of Six Outstanding Files from among the 14 Petitioners

In the June 26, 2020, joint status report, Plaintiffs reported that they had reviewed the list of 14 potential class members whose SIJ applications had been denied or withdrawn. Through this review and their outreach efforts, Plaintiffs were able to conclude that six denials and two withdrawals were unrelated to the issues in this case.

On July 23, Defendants produced the six remaining files. Plaintiffs have reviewed those files and determined that none of the denials relate to issues in this litigation. Review of these 14 files is therefore concluded.

2. Update regarding the 18 petitions that were tolled

Of the 18 petitions as to which decisions were tolled under the Court's Order of February 20, 2020 (ECF No. 56), Defendants reported in the June 26 joint status report that five had been denied; three had been approved; and ten remained pending.

In accordance with an agreement between the Parties, Defendants produced on July 15 limited documents from the five files of petitioners who had received denials. The production included the notice of denial, relevant Requests for Evidence (RFEs) or Notices of Intent to Deny (NOIDs), and some other documents to which USCIS had ready access.

Plaintiffs reviewed these documents and, where they were not sufficient to clarify what had happened in the petitioner's case, Plaintiffs also reached out to the

petitioner's immigration counsel. As a result of this review and outreach, Plaintiffs have concluded that none of the five denials related to issues in this litigation.

Since the June 26 joint status report, USCIS has continued to adjudicate the 18 pending files, with the result that an additional five (5) have been denied, and five (5) remain pending.

The Parties have agreed to follow the same course with regard to the five petitions that have been denied since June 26 and any denials or withdrawals that may be made as to the five files that remain pending. As to the five files already denied, Defendants will produce by August 14, 2020, the notices of denial, any RFEs and NOIDs, and other documents to which USCIS has ready access. As to the five still-pending files, Defendant USCIS will meet and confer with Plaintiffs on August 27, 2020, to report whether there have been any new denials or withdrawals among the five files that remain pending at this time. If any of the files results in a denial or withdrawal, Defendant USCIS will produce the same documents for these cases by September 11, 2020. Plaintiffs will review these documents as they receive them and make further inquiries, as needed, to petitioners' immigration counsel, if any.

If any issues remain outstanding, the Parties will meet and confer further. Plaintiffs reserve their right to seek from the Court an order to compel the complete production of the relevant documents associated with any file of a petitioner whose SIJ application was not granted. Defendants reserve their right to oppose such production.

The Parties agree to file another Joint Status Report on August 28, 2020.

July 31, 2020

Respectfully submitted,

s/ Catherine Weiss
Catherine Weiss
(cweiss@lowenstein.com)

LOWENSTEIN SANDLER LLP
One Lowenstein Drive
Roseland, New Jersey 07068
(973) 597-2500

Pro Bono Counsel for Plaintiffs
W.A.O., H.H.M.C., N.L.J., and K.M.R.L.,
on behalf of themselves
and all others similarly situated

CRAIG CARPENITO
United States Attorney

s/ Enes Hajdarpasic
Assistant U.S. Attorney
970 Broad Street, Suite
700
Newark, NJ 07102
Tel: (973) 297-2046
Enes.Hajdarpasic@usdoj.gov
Counsel for Defendants